

GIBSON, DUNN & CRUTCHER LLP  
THEODORE J. BOUTROUS, JR., SBN 132099  
H. MARK LYON, SBN 162061  
ETHAN D. DETTMER, SBN 196046  
1881 Page Mill Road  
Palo Alto, California 94304  
Telephone: (650) 849-5300  
Facsimile: (650) 849-5333

JENNER & BLOCK LLP  
PAUL M. SMITH (*pro hac vice* application pending)  
KATHERINE A. FALLOW (*pro hac vice* application pending)  
AMY L. TENNEY (*pro hac vice* application pending)  
601 13th Street, N.W., Suite 1200  
Washington, D.C. 20005  
Telephone: (202) 639-6000  
Facsimile: (202) 639-6066

Attorneys for Plaintiffs  
VIDEO SOFTWARE DEALERS ASSOCIATION  
and ENTERTAINMENT SOFTWARE ASSOCIATION

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VIDEO SOFTWARE DEALERS  
ASSOCIATION and ENTERTAINMENT  
SOFTWARE ASSOCIATION,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, in his official  
capacity as Governor of the State of California;  
BILL LOCKYER, in his official capacity as  
Attorney General of the State of California;  
GEORGE KENNEDY, in his official capacity as  
Santa Clara County District Attorney, RICHARD  
DOYLE, in his official capacity as City Attorney  
for the City of San Jose, and ANN MILLER  
RAVEL, in her official capacity as County  
Counsel for the County of Santa Clara,

Defendants.

CASE NO. C 05 4188

DECLARATION OF GENEVIEVE  
WALDMAN  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

VIDEO SOFTWARE )  
DEALERS ASSOCIATION and )  
ENTERTAINMENT SOFTWARE )  
ASSOCIATION, )

Plaintiffs, )

vs. )

ARNOLD SCHWARZENEGGER, in his )  
official capacity as Governor of the State of )  
California; BILL LOCKYER, in his )  
official capacity as Attorney General of the )  
State of California; GEORGE KENNEDY, )  
in his official capacity as Santa Clara )  
County District Attorney, RICHARD )  
DOYLE, in his official capacity as City )  
Attorney for the City of San Jose, and )  
ANN MILLER RAVEL, in her official )  
capacity as County Counsel for the County )  
of Santa Clara, )

Defendants. )

C.A. 05-4188

**DECLARATION OF GENEVIEVE WALDMAN**

Pursuant to 28 U.S.C. § 1746, I, Genevieve Waldman, under penalty of perjury state as follows:


1. I am currently employed as Global Group PR Manager at Microsoft Corporation (“Microsoft”). I have held this position since October 2002. As a result of my duties as Global Group PR Manager, I have personal knowledge of the facts stated in this declaration.
2. Microsoft is a publisher, developer and distributor of computer software, including interactive entertainment software. Microsoft publishes video games for play on

personal computers, and for play on Microsoft's Xbox game console. Microsoft is a publicly traded company listed on the NASDAQ stock market. Microsoft is headquartered in Redmond, Washington.

3. One of the video games that Microsoft publishes is entitled "*Jade Empire*." A true and accurate copy of the Xbox version of the game, in its entirety and final form, is attached as Exhibit A to this Declaration. A videotape of *Jade Empire* being played is attached as Exhibit B to this Declaration. I certify that Exhibit B is a true, accurate, and representative sample of *Jade Empire*.

**I declare under penalty of perjury that the foregoing is true and correct.**

EXECUTED on October 10, 2005.



Genevieve Waldman

**Exhibits A (video game “Jade Empire”) & B  
(videotape of “Jade Empire”) to the  
Declaration of Genevieve Waldman are enclosed  
in a separately filed envelope.**